

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:10-CR-00046-F-1

UNITED STATES OF AMERICA

v.

LATORY MARFRIA RHINES,
Defendant.

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ORDER

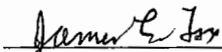
This matter is before the court on Latory Marfria Rhines's letter motion [DE-106]. In his letter motion, Rhines notes that upon recommendation from this court, he is taking the Residential Drug Abuse Program ("RDAP"). Rhines seeks a year off his sentence for taking RDAP and states that he presently doesn't qualify for the sentence reduction because of the firearm in his case.

18 U.S.C. § 3621(e)(2)(B), the RDAP statute, does not define the contours of the program or the specific requirements for prisoner eligibility. *United States v. D-2 Roy Dixon*, No. 12-20030, 2015 WL 6108070, at * 1 (E.D. Mich. Oct. 16, 2015); *see also Laws v. Barron*, 348 F.Supp. 2d 795, 800 (E.D. Ky. 2004) ("Congress has clearly authorized the BOP to select those prisoners who will be best served by participation in [RDAP]."). Rather, the statute leaves these decisions within the discretion of the Bureau of Prisons ("BOP"). *D-2 Roy Dixon*, 2015 WL 6108070, at *1.

RDAP is administered by the BOP; thus, this court is without the authority to assist Rhines. Consequently, Rhines's letter motion [DE-106] must be DENIED.

SO ORDERED.

This, the 10 day of May, 2016.



JAMES C. FOX
Senior United States District Judge